

## § 1171.1

1171.6 Commission review of the application.

1171.7 Appeals.

AUTHORITY: 49 U.S.C. 10922 and 10530, 5 U.S.C. 553.

### § 1171.1 Controlling legislation.

(a) These rules govern applications filed under 49 U.S.C. 10530. Under this section certain foreign motor carriers and motor private carriers must hold a certificate of registration to provide certain interstate transportation services otherwise outside the jurisdiction of the Commission. Neither a foreign motor carrier nor a foreign motor private carrier may provide interstate transportation of property unless the Commission has issued the carrier a certificate of registration. The service allowable under a certificate of registration is described in 49 U.S.C. 10922(1)(2)(B).

(b) These rules apply only to carriers of a contiguous foreign country with respect to which a moratorium is in effect under 49 U.S.C. 10922(l)(1).

[50 FR 20773, May 20, 1985, as amended at 54 FR 42958, Oct. 19, 1989]

### § 1171.2 Definitions.

(a) *The Act.* The Truck and Bus Safety and Regulatory Reform Act of 1988.

(b) *Foreign motor carrier.* A person transporting the goods of others for hire (including a motor carrier of property):

(1) Which does not hold a certificate or permit issued under 49 U.S.C. 10922 or 10923;

(2) Which is domiciled in any contiguous foreign country, or is owned or controlled by persons of any contiguous foreign country, and is not domiciled in the United States; and

(3) In the case of a person which is not a motor carrier of property, which provides interstate transportation of property under an agreement or contract with a motor carrier of property (except a motor carrier described in (b)(2) of this section).

(c) *Foreign motor private carrier.* A person transporting its own goods (including a motor private carrier):

(1) Which is domiciled in any contiguous foreign country;

(2) Which is owned or controlled by persons of any contiguous foreign

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country, and is not domiciled in the United States; and

(3) In the case of a person which is not a motor private carrier which provided interstate transportation of property by motor vehicle under an agreement or contract entered into with a person (other than a motor private carrier described in (c) (1) and (2) of this section).

(d) *Exempt items.* Commodities described in detail at or transported under 49 U.S.C. 10526(a)(4), (5), (6), (11), (12), (13), and (15).

(e) *Interstate transportation.* Transportation described at 49 U.S.C. 10521, and transportation in the United States otherwise exempt from the Commission's jurisdiction under 49 U.S.C. 10526(b)(1).

(f) *Fit, willing, and able.* Safety fitness and proof of minimum financial responsibility as defined in 49 U.S.C. 10530(e).

(g) *Motor vehicle taxes.* Taxes imposed under 26 U.S.C. 4481.

(h) *Most recent taxable period.* Same as defined in 26 U.S.C. 4482(c).

[50 FR 20773, May 20, 1985, as amended at 54 FR 42959, Oct. 19, 1989]

### § 1171.3 Procedures used generally.

(a) All applicants must file a completed Form OP-2. All required information must be submitted in English on the Form OP-2. The application will be decided based on the submitted Form OP-2 and any attachments. Notice of the authority sought will not be published in either the FEDERAL REGISTER or the *ICC Register*. Protests or comments will not be allowed (except for intervention by the Department of Transportation). There will be no oral hearings.

(b) Under the statute, the carriers covered must have a copy of a valid certificate of registration in any vehicle providing transportation within the scope of the statute.

(c) Form OP-2 may be obtained at any of the Commission's Regional Offices or by contacting the Commission's Office of Public Assistance.

(d) Applicants must concurrently serve a copy of their completed applications on the United States Department of Transportation, Federal Highway Administration, Office of Motor